



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 27 2017

Laura Jacksack, Esq.
Jacksack Law Offices
325 W. Fullerton Pkwy., Suite 203
Chicago, IL 60614

RE: MUR 6783

Dear Ms. Jacksack:

This is in reference to the complaint you filed with the Federal Election Commission on February 18, 2014, on behalf of your client, Scott Pierce, concerning possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), involving Indian Americans for Freedom, NFPC ("IAFF"), Shalabh Kumar, Manju Goel, Manju for Congress, Inc., and Rajeev Goel in his official capacity as treasurer ("MFC"). The Commission found that there was reason to believe IAFF violated 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a) by making excessive or prohibited in-kind contributions to MFC as a result of republishing campaign materials. On March 17, 2017, the Commission accepted a conciliation agreement with IAFF and closed the file in this matter.

In addition, on November 25, 2015, the Commission found no reason to believe that Shalabh Kumar or IAFF violated 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a) by making, or that MFC violated 52 U.S.C. §§ 30116(f), 30118(a) or 30104 by accepting and failing to report, excessive or prohibited in-kind contributions in the form of office space, payments of staff and contractor salaries, and bus travel. On the same date, the Commission was equally divided on whether to approve the Office of General Counsel's recommendations to find no reason to believe that MFC or Manju Goel violated 52 U.S.C. §§ 30116(f) or 30118(a) by knowingly accepting excessive or prohibited contributions in the form of coordinated mailings and that MFC violated 52 U.S.C. § 30104(b) by failing to report those mailings.

Finally, on April 26, 2016, the Commission dismissed the allegation that IAFF, Shalabh Kumar, and MFC violated the Act with respect to the provision of legal services in connection with Manju Goel's election.

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MUR 6783

Laura Jacksack, Esq.

Page 2

Documents related to the case will be placed on the public record within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Copies of the conciliation agreement with IAFF and the Factual and Legal Analyses to IAFF and MFC, which address the findings upon which a majority of the Commission agreed, are enclosed for your information.

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Mark Allen
Assistant General Counsel

Enclosures

Conciliation Agreement

Factual and Legal Analyses (2)

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MUR 6783

CONCILIATION AGREEMENT

This matter was generated based on a complaint filed with the Federal Election Commission (the "Commission"). See 52 U.S.C. § 30109(a)(1). Based upon available information, the Commission found reason to believe that Indian Americans for Freedom, NFPC ("Respondent") violated 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a).

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Indian Americans for Freedom, NFPC ("IAFF"), incorporated in the State of Illinois on October 2, 2012, as a non-profit corporation and has represented to the Commission that it is a social welfare organization exempt from taxation under Section 501(c)(4) of the Internal Revenue Code.

2. Under the Federal Election Campaign Act of 1971, as amended (the "Act"), the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or authorized agents shall be considered an expenditure. 52 U.S.C. § 30116(a)(7)(B)(iii).

3. Further, the republication of campaign materials prepared by a candidate's authorized committee is considered a contribution for purposes of contribution limitations and reporting responsibilities of the person making the expenditure. 11 C.F.R. § 109.23.

4. The Act limits contributions to a candidate's authorized committee and prohibits contributions from corporations and labor organizations in connection with any federal election. 52 U.S.C. §§ 30116(a) and 30118(a). The contribution limit for persons other than multi-candidate political committees in the 2014 election cycle was \$2,600 per election. See 52 U.S.C. § 30116(a)(1)(A).

5. Sometime before February 15, 2014, IAFF financed and distributed a mailer, referred to here as *Where's Larry*, advocating the election of Manju Goel, a candidate in the March 18, 2014, primary election for Illinois' 8th Congressional District. The mailer republished the following portion of a mailer paid for and distributed by Manju for Congress ("MFC"), Goel's principal campaign committee:

Republican Manju Goel.
Best Conservative Candidate to Retire Tammy Duckworth from Congress
Manju Goel will ...

- Champion Freedom and Limited Government
- Champion Personal Responsibility
- Champion Common-sense Household
Fiscal Discipline in Washington, DC
- Grow our Party, Bring 20K+ new voters

6. By using material prepared by MFC in its *Where's Larry* mailer, IAFF republished MFC's campaign materials "in whole or in part." See 52 U.S.C.

§ 30116(a)(7)(B)(iii). Therefore, IAFF's expenditures for the mailer constituted in-kind contributions to MFC resulting in either a prohibited or excessive in-kind contribution.

V. Respondent violated 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a) when it made excessive or prohibited in-kind contributions to MFC by republishing MFC campaign materials in its mailer supporting Manju Goel.

VI. 1. Respondent will pay a civil penalty of Three Thousand Five Hundred Dollars (\$3,500) to the Federal Election Commission pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

BY: Kathleen Guith
Kathleen Guith
~~Acting~~ Associate General Counsel
for Enforcement

3-22-17
Date

FOR THE RESPONDENT:

Anish Parikh
Name: Anish Parikh
Position: Attorney for Respondent

2/1/17
Date

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Manju for Congress, Inc., and Rajeev Goel MUR 6783
in his official capacity as treasurer

I. INTRODUCTION

The Complaint in MUR 6783 alleges that Manju for Congress, Inc. ("MFC"), the principal campaign committee of Manju Goel, violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by accepting and failing to report excessive or prohibited in-kind contributions from Indian Americans for Freedom, NFPC ("IAFF"), a 501(c)(4) organization, and its founder, Shalabh Kumar, in the form of free office space, and payments for staff salaries and other campaign expenses.¹ MFC filed a response to the Complaint ("MFC Resp.") denying that it violated the Act.

The available information does not support the Complaint's allegations as to the failure to disclose the receipt of in-kind office space, payments of staff and contractor salaries or bus travel. Therefore, the Commission finds no reason to believe that Manju for Congress, Inc., and Rajeev Goel in his official capacity as treasurer, violated 52 U.S.C. §§ 30116(f) or 30118(a) (formerly 2 U.S.C. §§ 441a(f) and 441b(a))² by accepting excessive or prohibited in-kind contributions or 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) by failing to report them with respect to those allegations. Further, the Commission exercises its prosecutorial discretion and dismisses the allegation with respect to the receipt and reporting of legal services.³

¹ Goel, a candidate in the 8th Congressional District in Illinois, lost the March 18, 2014, primary election with 21.8% of the vote.

² On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 to new Title 52 of the United States Code.

³ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

1 **II. FACTS**

2 IAFF incorporated in the State of Illinois on October 2, 2012, as a non-profit corporation
3 and is a social welfare organization tax exempt under section 501(c)(4) of the Internal Revenue
4 Code.⁴ Shalabh Kumar founded IAFF and served as its chairman and director until May 15,
5 2013, when he resigned.⁵

6 Following his resignation from IAFF, Kumar was actively involved in the Congressional
7 campaign of Manju Goel, a candidate in the 2014 primary election in Illinois' 8th Congressional
8 District. Kumar appeared with Goel at a local Republican party picnic where she announced her
9 candidacy on September 8, 2013.⁶ According to the Complaint, Kumar managed the campaign's
10 daily operations, including hiring and firing staff, appeared with Goel at campaign events in the
11 district and in Washington, D.C., and handled press inquiries for the campaign.⁷

12 IAFF also supported Goel's election by making approximately \$267,146 in independent
13 expenditures in support of Goel, all reported by IAFF as financed by Vikram Aditya Kumar,
14 Shalabh Kumar's son.⁸

15 **III. ANALYSIS**

16 The Complaint alleges that MFC accepted and failed to report a number of excessive or
17 prohibited in-kind contributions from IAFF or Kumar (directly or through his companies),

⁴ See Letter to Commission from Alka Tyle accompanying Form 5, IE Report, 24-Hour Report ("24 Hour Report") (Nov. 28, 2012), <http://docquery.fec.gov/pdf/789/12030954789/12030954789.pdf>. The Illinois Secretary of State's corporations database confirms that IAFF registered as a non-profit corporation on October 2, 2012, but it appears it was not in good standing at the time the Complaint was filed.

⁵ MFC Resp. at 1-2, Ex. B (Mar. 19, 2014).

⁶ Compl at 3.

⁷ *Id.*

⁸ See IAFF 48-Hour Report (Feb. 12, 2014), <http://docquery.fec.gov/pdf/615/14031183615/14031183615.pdf>; IAFF Amended 2014 April Quarterly Report (Apr. 18, 2014), <http://docquery.fec.gov/pdf/338/14940756338/14940756338.pdf> (listing Vikram Kumar as the sole contributor to IAFF).

1 including payments for the campaign's office space, staff salaries, and other services. The
2 specific allegations are addressed in turn below.

3 First, the Complaint alleges, based on attached documentation, that MFC operates out of
4 the same offices as IAFF and companies owned and operated by Kumar, yet failed to disclose
5 the receipt of any in-kind contribution for office space from any of them.⁹ The available
6 information, however, indicates that MFC paid at least \$1,050 per month in rent to Kumar's
7 company, Autotech Technologies, LP, from October 2013 through March 2014, and disclosed
8 that amount on its disclosure reports.¹⁰ Moreover, the Commission has information in its
9 possession indicating that a certified public accountant in September 2013 determined \$1,050 per
10 month to be the fair market value for the office space, and we have no information to the
11 contrary. Accordingly, it does not appear that MFC accepted and failed to report in-kind
12 contributions in the form of office space.

13 Second, the Complaint alleges that Kumar or IAFF paid the salaries or other
14 compensation for six MFC campaign staffers and a contractor during the third quarter of 2013
15 and that MFC accepted and failed to report those in-kind contributions.¹¹ The Complaint
16 apparently bases the allegation on MFC's October Quarterly Report, which discloses the receipt
17 of over \$200,000 in contributions but disbursements of only \$55 while staffers and a contractor
18 were allegedly working for the campaign. MFC responds that it had no paid staff during the
19 third quarter of 2013 because the campaign was "miniscule" during that time, and asserts that it

⁹ Compl. at 2-3.

¹⁰ See MFC Resp. at Ex. C (MFC check payable to Autotech in the amount of \$3,150 dated December 28, 2013, with memo line "Oct-Dec 2013 Rent-Internet for Office"); MFC Resp. at Ex. D (2013 Year End Report at 12 disclosing the \$3,150 payment); 2014 April Quarterly Report at 8 (\$5,100 payment to Autotech for "rent").

¹¹ Compl. at 2.

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1 brought on staff and a consultant during the fourth quarter of 2013.¹² Goel filed her Statement of
2 Candidacy on September 18, 2013, and MFC filed its Statement of Organization on the same
3 day, twelve days before the end of the reporting period. MFC's 2013 October Quarterly Report
4 shows that it raised virtually all of its funds in the last six days of the quarter, including \$25,000
5 from the candidate. Other than the campaign kick-off at the September 8, 2013, local
6 Republican Party picnic, known as the Northwest Suburban Republican Family Picnic ("NW
7 Picnic"), Complainant provides no information about any campaign activity or events during the
8 third quarter, and we are not aware of any. These facts tend to support MFC's assertion that the
9 campaign was a minimal operation at this point with little need for paid assistance. Under these
10 circumstances, it does not appear that MFC accepted and failed to report in-kind contributions in
11 the form payments for staff salaries or vendor services during the 2013 October Quarterly
12 reporting period.

13 Third, the Complaint alleges that Kumar personally paid to bus Goel supporters to the
14 NW Picnic.¹³ The allegation appears to rest only on Kumar's involvement with the event. The
15 response does not address this allegation. However, a state committee bearing the same name as
16 the NW Picnic, formed to operate the picnic and registered with the Illinois State Board of
17 Elections, disclosed a \$390 payment on September 8, 2013, for a shuttle bus for the event.¹⁴
18 Accordingly, it appears MFC did not accept or fail to report an in-kind contribution here.

¹² MFC Resp. at 2-3, Exs. D, E (2013 Year End and 2014 Pre-Primary Reports disclosing payments to staff and consultant), Exs. F-J (copies of checks).

¹³ Compl. at 3.

¹⁴ See Illinois State Board of Elections website, <http://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?id=25515>.

1 Finally, the Complaint alleges that MFC failed to disclose the value of legal services
2 provided by Kumar's personal attorney to represent Goel in a State Board of Elections hearing
3 challenging her nominating petitions.¹⁵ MFC acknowledges that attorney Cary Fleischer
4 represented Goel, but denies that MFC had any involvement in that case and asserts that the fee
5 arrangements for the attorney's services are "outside the jurisdiction of the [Act]."¹⁶ In the
6 proper ordering of its priorities and limited resources, the Commission dismisses this
7 allegation.¹⁷

8 Therefore, the Commission finds no reason to believe that Manju for Congress, Inc., and
9 Rajeev Goel in his official capacity as treasurer violated 52 U.S.C. §§ 30118(a), 30116(f) or
10 30104(b) (formerly 2 U.S.C. §§ 441b(a), 441a(f) and 434(b)) by accepting and failing to disclose
11 the receipt of in-kind office space, payments of staff and contractor salaries, or bus travel, and
12 dismisses the allegation with respect to the receipt and reporting of legal services.

¹⁵ Compl. at 4.

¹⁶ MFC Resp. at 2.

¹⁷ *Heckler v. Chaney*, 470 U.S. 821 (1985).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Indian Americans for Freedom, NFPC MUR 6783
Shalabh Kumar

I. INTRODUCTION

The Complaint in MUR 6783 alleges that Indian Americans for Freedom, NFPC ("IAFF"), a 501(c)(4) organization, and its founder, Shalabh Kumar (collectively, "Respondents") violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by making prohibited or excessive in-kind contributions to the campaign of Congressional candidate Manju Goel in the form of coordinated mailings, free office space, and payments for staff salaries and other campaign expenses. IAFF and Kumar filed a joint response ("IAFF Resp.") to the Complaint denying that they violated the Act.

Based on the available record, the Commission finds reason to believe that IAFF made excessive or prohibited in-kind contributions in violation of 52 U.S.C. §§ 30116(a)(1)(A) or 30118(a) (formerly 2 U.S.C. §§ 441a(a)(1)(A) and 441b(a))¹ by republishing Manju Goel campaign materials in one of its mailings.² The record does not, however, support the Complaint's allegations that IAFF or Kumar made in-kind contributions to Manju for Congress, Inc. ("MFC"), Goel's principal campaign committee, by providing office space, payments of staff and contractor salaries, or bus travel. Therefore, the Commission finds no reason to believe

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 to new Title 52 of the United States Code.

² Because it is unclear whether IAFF was an active corporation at the time it distributed the mailings attached to the Complaint, *see infra* at page 6, the Commission finds reason to believe that IAFF made an excessive or prohibited contribution.

1 as to those allegations. Further, the Commission dismisses the allegation with respect to the
2 provision of legal services as an exercise of prosecutorial discretion.³

3 II. FACTS

4 IAFF incorporated in the State of Illinois on October 2, 2012, as a non-profit corporation
5 and is a social welfare organization tax exempt under section 501(c)(4) of the Internal Revenue
6 Code.⁴ IAFF reports its independent expenditures to the Commission on Form 5, Report of
7 Independent Expenditures Made and Contributions Received ("IE Reports"), which is used by
8 persons other than political committees.⁵ Shalabh Kumar founded IAFF and served as its
9 chairman and director until May 15, 2013, when he resigned.⁶ In his resignation letter to the
10 Board of Directors, posted on IAFF's website and attached to the Response to the Complaint,
11 Kumar states that effective that day, "I will no longer be involved in the affairs of [IAFF] due to
12 my new responsibilities in various Republican/Conservative organizations in Washington,

³ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁴ See Letter to Commission from Alka Tyle accompanying Form 5, IE Report, 24-Hour Report (Nov. 28, 2012) ("Nov. 28, 2012, 24-Hour Report"), <http://docquery.fec.gov/pdf/789/12030954789/12030954789.pdf>. The Illinois Secretary of State's corporations database confirms that IAFF registered as a non-profit corporation on October 2, 2012, but it appears IAFF was not in good standing at the time the Complaint was filed. IAFF also registered with the Internal Revenue Service as a Section 527 organization on September 10, 2012. Form 8871, Political Organization Notice of Section 527 Status, Indian Americans for Freedom (Sept. 10, 2012), available at the IRS website, Political Organizations database, <http://forms.irs.gov/app/pod/basicSearch/search?execution=c2s1>.

⁵ Approximately three weeks prior to incorporating, IAFF had registered with the Commission as an independent expenditure-only political committee, but requested termination on November 28, 2012, having reported no activity. Letter and Statement of Organization filed by IAFF (Sept. 12, 2012), <http://docquery.fec.gov/pdf/152/12030883152/12030883152.pdf>; IAFF Termination Report (Nov. 28, 2012), <http://docquery.fec.gov/pdf/795/12030954795/12030954795.pdf>. When IAFF filed its 24-Hour Report on November 28, 2012, it explained in a cover letter that the IEOPC had terminated and the newly incorporated 501(c)(4) non-profit organization needed a new FEC committee identification number. See Nov. 28, 2012, 24-Hour Report, *supra*, n.2; see also Letter to IAFF from Reports Analysis Division, FEC, approving termination (Nov. 30, 2012), <http://docquery.fec.gov/pdf/438/12330017438/12330017438.pdf>. The Complaint alleges that IAFF is an IEOPC that is prohibited from making direct or in-kind contributions to federal candidates or committees. Compl. at 2 (Feb. 18, 2014). Because IAFF is a Form 5 filer and not an IEOPC, we do not specifically address that allegation.

⁶ IAFF Resp. at 1, Ex. A (Mar. 18, 2014).

1 DC”⁷ Kumar also stated in the letter that another individual, Brij L. Sharma, had agreed to
2 serve as IAFF’s new Chair.

3 Following his stated resignation from IAFF, Kumar was actively involved in the
4 Congressional campaign of Manju Goel, a candidate in the 2014 primary election in Illinois’ 8th
5 Congressional District.⁸ Kumar appeared with Goel at a local Republican party picnic where she
6 announced her candidacy on September 8, 2013.⁹ According to the Complaint, Kumar managed
7 the campaign’s daily operations, including hiring and firing staff, appeared with Goel at
8 campaign events in the district and in Washington, D.C., and handled press inquiries for the
9 campaign.¹⁰ The response does not dispute Kumar’s activities on behalf of the campaign, and it
10 acknowledges his support for Goel.¹¹ It emphasizes, however, that he was acting in his capacity
11 as a private citizen and was no longer associated with IAFF.¹²

12 IAFF also supported Goel’s election by making approximately \$267,146 in independent
13 expenditures in support of Goel, all reported by IAFF as financed by Vikram Aditya Kumar,
14 Shalabh Kumar’s son.¹³ Among IAFF’s independent expenditures were \$172,501 for mailings
15 and “flyers” distributed between January 23, 2014, and March 3, 2014. Information ascertained

⁷ *Id.* Kumar reportedly represented that his new responsibilities included chairing a project to field 10 Indian-American GOP Congressional candidates. Compl. at 3. (referencing Stephen Zalusky, *Goel Announces 8th Congressional Candidacy*, DAILY HERALD (Sept. 9, 2013), <http://www.dailyherald.com/article/20130909/news/709099904>.)

⁸ Goel lost the March 18, 2014, primary election with 21.8% of the vote.

⁹ Compl. at 3.

¹⁰ *Id.*

¹¹ IAFF Resp. at 2.

¹² *Id.*

¹³ See IAFF 48-Hour Report (Feb. 12, 2014), <http://docquery.fec.gov/pdf/615/14031183615/14031183615.pdf>, IAFF Amended 2014 April Quarterly Report (Apr. 18, 2014), <http://docquery.fec.gov/pdf/338/14940756338/14940756338.pdf> (listing Vikram Kumar as the sole contributor to IAFF).

1 by the Commission indicates IAFF disseminated at least six mailings expressly advocating the
2 election of Goel or the defeat of her opponent, Larry Kafeish, in the primary election. Two of
3 IAFF's mailings were attached to the Complaint, and one is discussed below.¹⁴

4 III. ANALYSIS

5 The Complaint alleges that IAFF and Kumar improperly made a number of in-kind
6 contributions to MFC because they are "for all practical purposes, running and financing
7 [Goel's] campaign," including engaging in "an active mail campaign on behalf of the candidate"
8 and in coordination with the candidate, and paying for the campaign's office space and other
9 services.¹⁵

10 A. There is Reason to Believe that IAFF Made an In-Kind Contribution to MFC 11 by Republishing Goel's Campaign Materials

12
13 Under the Act, "the financing by any person of the dissemination, distribution, or
14 republication, in whole or in part, of any broadcast or any written, graphic, or other form of
15 campaign materials prepared by the candidate, his campaign committees, or authorized agents
16 shall be considered an expenditure."¹⁶ Pursuant to the Commission's regulations, the
17 republication of campaign materials prepared by a candidate's authorized committee is
18 considered a contribution for purposes of contribution limitations and reporting responsibilities
19 of the person making the expenditure.¹⁷

20 The Complaint attaches copies of two IAFF mailings and an MFC mailing that had been
21 mailed in the Congressional District as of February 15, 2014, and alleges that the similarities in

¹⁴ See Compl. Ex. L.

¹⁵ Compl. at 1-2, 4.

¹⁶ 52 U.S.C. § 30116(a)(7)(B)(iii) (formerly 2 U.S.C. § 441a(a)(7)(B)(iii)).

¹⁷ 11 C.F.R. § 109.23.

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1 the messaging, the use of the same candidate photos and typesetting, and the fact that all were
2 mailed using the same bulk mail permit number “demonstrate coordination between IAFF and
3 MFC.”¹⁸ The response does not address the mailings.

4 An examination of the mailings shows that one of IAFF’s mailings, *Where’s Larry*,
5 contains much of the same content as in MFC’s mailing. Copies of the two mailings are
6 appended as Attachment A and illustrate the replicated material. *Where’s Larry* and MFC’s
7 mailing are both single-page, two-sided pieces. The following text, which comprises
8 approximately half of the back of *Where’s Larry*, is identical to text on the front of the MFC
9 mailer:¹⁹

10 Republican Manju Goel.
11 Best Conservative Candidate to Retire Tammy Duckworth from Congress
12 Manju Goel will ...
13 • Champion Freedom and Limited Government
14 • Champion Personal Responsibility
15 • Champion Common-sense Household
16 Fiscal Discipline in Washington, DC
17 • Grow our Party, Bring 20K+ new voters
18

19 According to IAFF’s 48-Hour Report of February 12, 2014, IAFF made two payments
20 totaling \$40,501 to One Step Printing (“One Step”), a vendor also used by MFC throughout the
21 campaign, for the first of its mailings distributed on January 23 and February 5, 2014.²⁰ Indeed,
22 the front of *Where’s Larry* contains the same bulk mail permit as on MFC’s mailing.²¹

¹⁸ Compl. at 4, Ex. L.

¹⁹ Attachment A at 2, 3.

²⁰ IAFF, 48-Hour Report (Feb. 12, 2014), *supra*, n.12; see MFC 2013 Year End, 2014 Pre-Primary and 2014 April Quarterly Reports, all disclosing debt and payments to One Step, totaling \$44,336 throughout the campaign for printing, postage, direct mail, and t-shirts.

²¹ *Id.* at 1, 3.

1 The comparison of IAFF's and MFC's mailings shows that IAFF included Goel's
2 campaign materials in one of its own mailers. By including MFC campaign materials in its
3 mailing expressly advocating Goel's election, IAFF made in-kind contributions to MFC under
4 the republication provisions of the Commission regulations.

5 As noted, IAFF incorporated on October 2, 2012, but the Illinois Secretary of State
6 record attached to the Complaint, does not clearly indicate whether IAFF maintained its
7 corporate registration in good order when the mailers were distributed.²² IAFF's IE Reports
8 disclose that it distributed mailings and flyers between January 23 and March 3, 2014. IAFF
9 may not have been an active corporation at the time it financed and distributed the *Where's Larry*
10 mailer. If it was an active corporation, it would have made a prohibited corporate contribution.
11 However, regardless of its corporate status, IAFF would have violated the Act. The Commission
12 therefore finds reason to believe that Indian Americans for Freedom violated 52 U.S.C.
13 §§ 30116(a)(1)(A) or 30118(a) (formerly 2 U.S.C. §§ 441a(a)(1)(A) and 441b(a)) by making
14 excessive or prohibited in-kind contributions to Manju for Congress.

15 **B. There is No Reason to Believe that IAFF Made In-Kind Contributions to**
16 **MFC By Paying for Office Space, Staff and Contractor Salaries, or Bus**
17 **Travel**
18

19 The Complaint also alleges that IAFF or Kumar (directly or through his companies) made
20 a number of other excessive or prohibited in-kind contributions to MFC.²³ We address each
21 specific allegation in turn.

22 First, the Complaint alleges, based on attached documentation, that MFC operates out of
23 the same offices as IAFF and companies owned and operated by Kumar, yet failed to disclose

²² Compl. Ex. A.

²³ Compl. at 2-4.

1 the receipt of any in-kind contribution for office space from any of them.²⁴ The available
2 information, however, indicates that MFC paid at least \$1,050 per month in rent to Kumar's
3 company, Autotech Technologies, LP, from October 2013 through March 2014, and disclosed
4 that amount on its disclosure reports.²⁵ Moreover, Respondents produced a letter dated
5 September 15, 2013, from a certified public accountant determining \$1,050 per month to be the
6 fair market value, and we have no information to the contrary.²⁶ Accordingly, it does not appear
7 that IAFF or Kumar, directly or through any of his companies, made in-kind contributions in the
8 form of office space.

9 Second, the Complaint alleges that Kumar or IAFF paid the salaries or other
10 compensation for six MFC campaign staffers and a contractor during the third quarter of 2013.²⁷
11 The Complaint apparently bases the allegation on MFC's 2013 October Quarterly Report, which
12 discloses the receipt of over \$200,000 in contributions but disbursements of only \$55 while
13 staffers and a contractor were allegedly working for the campaign. Information in the
14 Commission's possession indicates the campaign had no paid staff during the third quarter of
15 2013 because it was a nascent campaign during that time and brought on staff and a consultant
16 during the fourth quarter of 2013.²⁸ Goel filed her Statement of Candidacy on September 18,
17 2013, and MFC filed its Statement of Organization on the same day, twelve days before the end
18 of the reporting period. MFC's 2013 October Quarterly Report shows that it raised virtually all

²⁴ Compl. at 2-3.

²⁵ See IAFF Resp. at 1, Ex. B. (MFC check payable to Autotech in the amount of \$3,150 dated December 28, 2013, with memo line "Oct-Dec 2013 Rent-Internet for Office"); see also MFC 2013 Year End Report at 12 disclosing the \$3,150 payment; 2014 April Quarterly Report at 8 (\$5,100 payment to Autotech for "rent").

²⁶ See IAFF Resp. Ex. B.

²⁷ Compl. at 2.

²⁸ See, e.g., MFC 2013 Year End and 2014 Pre-Primary Reports (disclosing payments to staff and consultant).

1 of its funds in the last six days of the quarter, including \$25,000 from the candidate. Other than
2 the campaign kick-off at the September 8, 2013, local Republican Party picnic, known as the
3 Northwest Suburban Republican Family Picnic ("NW Picnic"), Complainant provides no
4 information about any campaign activity or events during the third quarter, and we are not aware
5 of any. These facts suggest that the campaign was a minimal operation at this point with little
6 need for paid assistance. Under these circumstances, it does not appear that Kumar or IAFF
7 made in-kind contributions to MFC in the form of payments for staff salaries or vendor services
8 during the 2013 October Quarterly reporting period.

9 Third, the Complaint alleges that Kumar personally paid to bus Goel supporters to the
10 NW Picnic.²⁹ The allegation appears to rest only on Kumar's involvement with the event. The
11 response does not address the allegation. However, a state committee bearing the same name as
12 the NW Picnic, formed to operate the picnic and registered with the Illinois State Board of
13 Elections, disclosed a \$390 payment on September 8, 2013, for a shuttle bus for the event.³⁰
14 Accordingly, it appears there was no in-kind contribution to MFC here.

15 Finally, the Complaint alleges that MFC failed to disclose the value of legal services
16 provided by Kumar's personal attorney to represent Goel in a State Board of Elections hearing
17 challenging her nominating petitions.³¹ In the proper ordering of its priorities and limited
18 resources, the Commission dismisses this allegation with respect to the provision of legal
19 services.³²

²⁹ Compl. at 3.

³⁰ See Illinois State Board of Elections website, <http://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?id=25515>.

³¹ Compl. at 4.

³² See *Heckler v. Chaney*, 470 U.S. 821 (1985).

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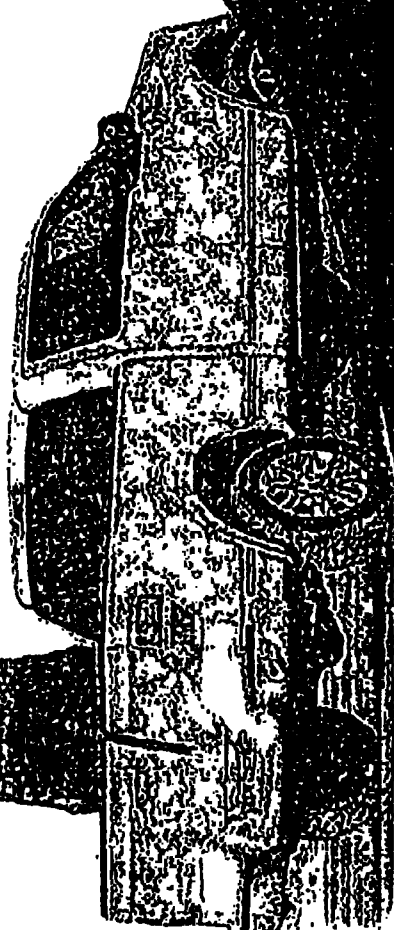
Where's Larry? Just passing through?

Facts Show...

**Larry is temporarily
here in Illinois..**

**Let's make sure that
he stays that way!**

**We Deserve Better!!
Send Manjiv Goel to Congress from IL District 8!!**



**Jan 3rd 2014, 3:48 pm
in Illinois with Virginia
License plates**



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Standard
US Postage
PAID
Permit # 59
Rock Island, IL

Where's Larry? Just passing through?

- Away from Illinois for more than 10 years?
- How many years in Hollywood?
- 6 months lease ending 3/31/2014?
- Violating Illinois residency law?



Republican Manju Goel.

*Best Conservative Candidate to
Retire Tammy Duckworth from Congress*

Manju Goel will --

- Champion Freedom and Limited Government
- Champion Personal Responsibility
- Champion Common-sense Household Fiscal Discipline in Washington, DC
- Grow our Party. Bring 20K+ new voters and 10M Electors for a change.

Text and font is
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www.ManjivforCongress.com

ATTACHMENT A
Page 3

Manju Goel: The Best Republican to Grow the Party, Bring 20K+ New Voters and Retake the 8th Congressional District of Illinois.



Manju Goel endorsed by Joe Walsh & Top National Leaders of Republican Party



Manju Goel is a first-generation U.S. citizen. Her life and career are a testament to the value of hard work and personal responsibility, and also to the hope and opportunity that is America.

Manju brings a unique perspective to our country's problems and proposed solutions. While she has lived the American Dream, she has also seen firsthand the consequences of Washington policies that encourage welfare and handouts and discourage hard work. Manju saw the country of her birth faced near bankruptcy in 1991 because of the failed policies of big government, high taxes and massive regulations.

As a first generation Indian American, Manju is uniquely qualified to broaden our base, grow our party and retake Illinois' 8th District. With almost twenty years of general election voters in 2014 coming from the Indian American community, Manju Goel is our best hope to send a conservative voice to Washington.

As our next Congresswoman, Manju will work tirelessly for common-sense fiscal solutions that ensure America get back on the right track.

Manju Goel

- First generation Indian American immigrant
- Mother of two college-aged children
- U.S. in Computer Science
- Small Businesswoman & Ex-Sigma Process Improvement Specialist in Healthcare

Manju's Platform

- Pass Constitutional amendment to balance budget
- Secure Obamacare
- Cut spending, deficits and national debt
- Encourage entrepreneurship, hard work and success, and personal responsibility
- Lower taxes on hard working families and small businesses
- Eliminate Death Tax
- Reduce size of federal government
- Cut foreign aid to all countries that support terrorism

www.ManjuForCongress.com 630-974-8232